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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,088	01/28/2002	Michael Wayne Brown	AUS920010516US1	5267

7590 03/11/2004

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EXAMINER	
CUNNINGHAM, GREGORY F	
ART UNIT	**PAPER NUMBER**
2676	7

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/059,088	BROWN ET AL.	
	Examiner	Art Unit	
	Greg Cunningham	2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 December 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☒ Claim(s) *7,11,18,22,29 and 33* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications of amendment received 12/24/2003.

2. The disposition of the claims is as follows: claims 1-33 are pending in the application. Claims 1, 12 and 23 are independent claims.

3. Correction to prior office action for claims listed under Allowable Subject Matter should have read as claims 7, 11, 18, 22, 29 and 33, not claims 7, 11, 17, 22, 29 and 33.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 8-10, 12-17, 19-21, 23-28 and 30-32 are rejected under 35 U.S.C. 102(b) as being disclosed by Frank et al., (US Patent Number 5,651,107).

A. Claim 1, "A method for changing alpha levels of a displayable object, said method comprising the steps of: determining an alpha level to represent a status of a non-interactive computing task [col. 9, ln. 63 – col. 10, ln. 18; and claim 1 of Frank]; and graphically adjusting a transparency of at least a selected portion of a displayable object associated with said non-interactive computing task according to said alpha level, such that said status of said non-interactive computing task is displayed by said associated displayable object" is disclosed in col. 2, ln. 27 – col. 3, ln. 4. Wherein [window 260 not having been rendered "active" is transparent to

the actions of the user, thereby permitting the user to operate on data disposed in an underlying window] corresponds to "an alpha level to represent a status of a non-interactive computing task".

B. Claim 2, "The method for changing alpha levels of a displayable object according to claim 1, said method further comprising the step of: graphically displaying concurrently a plurality of displayable objects independent of whether any of said plurality of displayable objects is active" is disclosed supra for claim 1, particularly in col. 3, lns. 1-4.

C. Claim 3, "The method for changing alpha levels of a displayable object according to claim 1, said method further comprising the step of: detecting said status for at least one from among usage of a processor, memory, a sound card, a graphics card, a storage device, and network bandwidth" is disclosed supra for claim 1, particularly at "text, icons and buttons corresponding to functions to be executed by the CPU".

D. Claim 4, "The method for changing alpha levels of a displayable object according to claim 1, said method further comprising the steps of: determining a color level to represent said non-interactive computing task; and graphically adjusting said color with said transparency according to said color level of said at least said selection portion of said displayable object associated with said non-interactive computing task" is disclosed by Frank supra for claim 1. Particularly at "In systems with multiple bits, typically at least eight, it is possible to vary the intensity and color of the pixels on the display" in col. 1, lns. 63-65.

E. Claim 5, "The method for changing alpha levels of a displayable object according to claim 1, said step of determining an alpha level further comprising the step of: determining said alpha level according to a user preference for said transparency associated with said non-

interactive computing task" is disclosed by Frank supra for claim 1, particularly in col. 2, ln. 63 – col. 3, ln. 1 at "In one embodiment, a slider is displayed within each window which permits the .alpha. value to be set by a user through the use of a cursor control device. The .alpha. value may be set between the range of 0 and 1, where a setting of 1 results in the window being opaque, and a 0 setting resulting in the window being fully transparent".

F. Claim 6, "The method for changing alpha levels of a displayable object according to claim 1, said step of determining an alpha level further comprising the step of: determining said alpha level, wherein said resulting transparency is uniform within said displayable object" is disclosed by Frank supra for claims 1 and 5. Wherein alpha via slider for desired window implies level of transparency is applied consistently (uniformly) to said window.

G. Claim 8, "The method for changing alpha levels of a displayable object according to claim 1, said method further comprising the step of: presenting a user within an interface for selecting transparency preferences, wherein said transparency preferences are utilized for determining said alpha level" is disclosed by Frank supra for claims 1 and 6. Wherein slider corresponds to "interface for selecting transparency preferences".

H. Claim 9, "The method for changing alpha levels of a displayable object according to claim 1, said step of graphically adjusting a transparency further comprising the step of: only graphically adjusting a transparency of transparency adjustable sections of said displayable object within said selected portion of said displayable object" is disclosed by Frank supra for claims 1 and 6. Wherein slider corresponds to "only graphically adjusting a transparency of transparency adjustable sections".

I. Claim 10, "The method for changing alpha levels of a displayable object according to claim 1, said step of graphically adjusting a transparency further comprising the step of: graphically adjusting a transparency of said displayable object comprising at least one of an application window, an icon, a video representation, and a graphical representation" is disclosed by Frank supra for claims 1 and 6. Wherein window corresponds to "an application window".

J. Per independent claims 12 and 23, these are directed to a system and program, respectively, for performing the method of independent claim 1, and therefore are rejected to independent claim 1.

K. Per dependent claims 2-6, 8-10, 13-17, 19-21, 24-28 and 30-32, these are directed to a system and program, respectively, for performing the method of dependent claims 2-6 and 8-10, respectively, and therefore are rejected to dependent claims 2-6 and 8-10.

Allowable Subject Matter

6. Claims 7, 11, 18, 22, 29 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. With regard to remarks/arguments directed toward claims:

A. With regard to claim 1, [window 260 not having been rendered "active" is transparent to the actions of the user] corresponds to "an alpha level to represent a status of a non-interactive computing task". Frank offers as part of step 2 of claim 1:

[1. In a computer system, a method for selectively displaying and activating a plurality of overlapping display objects on a display, said method comprising the following steps:

for each one of the overlapping display objects, storing a plurality of bits representing the display object, said bits further representing one or more associated transparency values, such that for at least one display object said plurality of bits representing said at least one display object represents two or more associated transparency values;

simultaneously displaying the overlapping display objects on the display, each of the **display objects having a degree of transparency *determined* by the transparency values associated with each of the display objects**, such that the overlapping display objects are simultaneously visible on the display, and such that at least one of the display objects has two or more degrees of transparency;

selectively adjusting, by user interface means, the one or more transparency values associated with at least one of the overlapping display objects, such that the transparency of the at least one display object is continuously variable from fully opaque to fully transparent;

selectively activating, by user interface means, a desired one of the overlapping display objects without altering its transparency;

permitting the user to operate on the activated desired overlapping display object using a cursor control device]

Consequently, Frank does discloses [a degree of transparency **determined** by the transparency values associated with each of the display objects] and coupled with [window 260 not having been rendered "active" is transparent to the actions of the user, thereby permitting the user to operate on data disposed in an underlying window] corresponds to "determining an alpha level to represent a status of a non-interactive computing task" since the user can operate on data disposed in an underlying window wherein the windows have a degree of transparency associated with each determined by the transparency values (α), therefore the (α) value

determines via degree of transparency of the non-underlying window which not having been rendered "active" is transparent to the actions of the user "non-interactive computing task".

B. With regard to claims 7 and 11, the limitations of said claims are not the same limitations of claim 1.

C. With respect to claim 3, the process or window that is interacting and its associated transparency value including window defined areas having window features such as text, icons and buttons corresponding to functions to be executed by the CPU give the status of the CPU with respect to said functions corresponding to said features such as text, icons and buttons for the given window. Thus the CPU status is either executing or not executing said function of given window and its associated transparency value.

D. With regard to claim 4, although Frank discloses [In systems with multiple bits, typically at least eight, it is possible to vary the intensity and color of the pixels on the display.], Frank also discloses [An alpha value (.alpha.) is associated with the intensity of each pixel of the display, such that multiple images may be blended in accordance with a predefined formula utilizing the .alpha. values.]. Varying the intensity of black or white results in shades of gray, thereby varying a color level. So that associating an alpha value with the various intensities of each pixel corresponds to associating an alpha value with various color levels (white, grays and black).

E. With regard to claims 12 and 23, these are directed to a system and program, respectively, for performing the method of independent claim 1, and therefore are rejected to independent claim 1 as disclosed by Frank supra.

F. With regard to claims 2-6, 8-10, 13-17, 19-21, 24-28 and 30-32, these are directed to a system and program, respectively, for performing the method of dependent claims 2-6 and 8-10, respectively, and therefore are rejected to dependent claims 2-6 and 8-10 as disclosed by Frank supra.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Responses

9. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 872-9314 may be used for formal communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Inquiries

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Cunningham whose telephone number is (703) 308-6109.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella, can be reached on (703) 308-6829.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

G. F. Cunningham

gfc

March 5, 2004

Matthew C. Bella

MATTHEW C. BELLA
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